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OFFICE OF PETITIONS

In re Application of :
Van Veen :
Application No. 10/527,121 : DECISION ON PETITION
Received: March 8, 2005 :
Docket No.: 101137-62 :

This is a decision on the petition under 37 CFR 1.181, filed August 29, 2006, to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit a properly reply to the Notice mailed August 31, 2005. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed August 4, 2006.

Petitioner asserts that a response to the non-final Office action was timely submitted via facsimile on September 28, 2005.


The original response submitted September 28, 2005 has not been located. However, the copy of the response submitted herewith bears a certificate of transmission date of September 28, 2005 in accordance with 37 CFR 1.8 and is thus deemed to have been timely submitted.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to OIPE for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3205.


Alesia M. Brown
Petitions Attorney
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